

Appl. no. 10/597, 315
Inventor: Goldberg, N.

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-21 are pending and stand rejected.

Claims 1, 9 and 19 have been amended.

Claims 1, 9 and 19 are independent claim.

The specification is objected to for failing to provide an ABSTRACT on a separate page and for lacking section headings. Claims 1, 3-7, 9-12, 14-17 19 and 21 stand rejected as being anticipated under 35 USC 102(b) by Peters (USP no. 5, 812, 778). Claims 2, 8, 13, 18 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Peters in view of Coddington (USP no. 5, 410,343).

With regard to the objection to the specification, applicant respectfully disagrees with the reasons for the objection. However, in order to advance the prosecution of this matter, applicant submits herewith a new Abstract of the invention claimed on a single and separate sheet of paper.

For the submission of the Abstract, applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

With regard to the objection to the specification, Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) “should” be preceded by a section heading. Applicant respectfully declines to amend the disclosure to include the suggested headings at this time.

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With regard to the rejection of claims 1, 3-7, 9-12, 14-17 19 and 21 as being anticipated under 35 USC 102(b) by Peters (USP no. 5, 812, 778), applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, each of the independent claims has been amended to further recite that the communication with the television set/receiver unit is performed using a second communication channel. No new matter has been added. Support for the amendment may be found at least in Figure 1 and on page 2, lines 17-19.

Peters discloses a system wherein a user provides instruction via a keypad to a server system and the server system provides an interactive display back to the user on the instrument (video phone) that provided the initial instructions.

Peters fails to provide any information regarding using a second communication channel that is independent of the channel used to provide the instructions to provide the interactive display back to the user, as is now recited in the claims.

A claim is anticipated if each of the elements of recited in the claim is disclosed by a single prior art reference.

Peters cannot be said to anticipate the invention claimed in independent claims 1, 9 and 19, for example, as Peters fails to disclose at least one material element recited in these claims.

Accordingly, the independent claims 1, 9 and 19, and the claims dependent therefrom, are not anticipated by the cited reference as the cited reference fails to disclose all the elements recited in the independent claims.

With regard to the rejection of claims 2, 8, 13, 18 and 20 as being unpatentable over Peters in view of Coddington, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Coddington discloses a system using a public switched telephone network that provides digital video signals from a video information provider or digital service bureau

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to a subscriber premises. Coddington discloses using an asymmetrical digital subscriber line interface over a local loop to carry the necessary signaling between the subscribers and information providers. Coddington discloses, in Figure 1, the ADSL link 20, 22, between the subscriber and the video provider.

However, Coddington fails to provide any teaching regarding using a separate communication link to provide video services to the subscriber.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, Peters fails to disclose a material element recited in the independent claims and Coddington fails to provide any teaching to correct the deficiency found to exist in Peters. Hence, the combination of Peters and Coddington fails to teach all the elements recited in the independent claims.

With regard to the aforementioned claims, these claims are also allowable as the combination of the cited references fails to teach all the elements recited in the claims.

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For the amendments made to the specification and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: December 29, 2008

/Carl A. Giordano/

By: Carl A. Giordano
Attorney for Applicant
Registration No. 41,780

Mail all correspondence to:

Daniel Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

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